

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, 8-10, 12, 13, and 16-29 are pending in the present application. Claims 1, 9, and 17 are amended. Claims 1, 9, 17, and 23 independent claims.

Personal Interview of October 27, 2004

Initially, Applicants wish to thank the Examiner Ian Moore and Primary Examiner Brian Nguyen for taking the time to discuss the application with Applicants' Representative Jason Rhodes during the personal interview on October 27, 2004.

During this interview, claim 1 was discussed in view of the Upp patent (U.S. Patent 4,967,405). Although no agreement was reached during this interview, Applicants gained a newfound understanding of the Examiner's position regarding claim 1. Also, the Examiner pointed out that claim 23 was allowed because of the application specific integrated circuits (ASICs) recited in the claims.

Upp Patent Not Cited in PTO-892

Applicants wish to point out that, in the rejection of claim 22 under 35 U.S.C. § 103(a), the Examiner refers to U.S. Patent No. 5,040,170 to Upp et al. (hereinafter Upp '170). See

Office Action at page 11. However, Upp '170 is not cited in the PTO-892 form accompanying the Office Action. Also, the Upp '170 patent is not cited in any previous PTO-892 or PTO-1449 in the application.

It is noted that the current PTO-892 lists another patent issued to Upp -- U.S. Patent No. 4,998,242 (hereinafter Upp '242). Thus, it is unclear whether the Examiner meant to apply the Upp '242 in the § 103 rejection of claim 22, or whether the Examiner merely forgot to list Upp '170 in the current PTO-892.

In any case, Applicants respectfully request the Examiner to clarify the situation. Also, as it is apparent that the Examiner has at least considered Upp '170, it is respectfully requested that the Examiner acknowledge this by sending a PTO-892 that cites Upp '170.

Double Patenting Rejection

Claims 1, 9, and 17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,804,248. Applicant respectfully submits that, as amended, claims 1, 9, and 17 now recite using an application specific circuit (ASIC) on the cross-connect card to perform recited functions. Claim 1 does not recite using an ASIC.

Rejection Under 35 U.S.C. § 112

Claims 1, 2, 4, 5, 8-10, 12, 13, 16, and 24-26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, the Examiner rejects claim 1 because it is unclear whether "one or more serial data signals" recited in line 11 refers to the same "one or more serial data signals" in line 7. The Examiner rejects claim 9 for similar reasons.

Furthermore, the Examiner rejects claim 4 as being unclear as to whether "the one or more data signals" (line 2) refers to the recited "one or more data signals" of line 7 or line 11 in claim 1. Similarly, the Examiner rejects claim 12 for similar reasons as claim 4.

Applicants respectfully submit that the abovementioned features in claims 1 and 9 have been amended to more clearly identify them as a "first set of one or more serial data signals" and a "second set of one or more serial data signals." Furthermore, Applicants submit that claims 4 and 12 have been amended to more clearly refer to the "first and second sets of one or more serial data signals."

Accordingly, Applicants respectfully submit that claims 1, 4, 9, and 12 are not indefinite, and request reconsideration and withdrawal of this rejection.

Rejection Under 35 U.S.C. § 102

Claims 1, 4-6, 8, 9, 12, 13, and 16-21 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,497,363 to Gingell (hereinafter Gingell). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In an effort to expedite prosecution, and without conceding to the appropriateness of the present rejection, Applicants have amended independent claims 1, 9, and 17 to recite features in allowed claim 23. Specifically, claims 1, 9, and 17 recite using an ASIC on the cross-connect card to: perform serial-to-parallel conversion of the SONET/SDH formatted data transmitted on the backplane, perform switching functions on the data, and serial-to-parallel conversion on the switched data to generate signals to be transmitted over the backplane.

Thus, similar to claim 23, Applicants respectfully submit that independent claims 1, 9, and 17 are allowable. Specifically, it is respectfully submitted that Gingell fails to

disclose a cross-connect card using an ASIC to perform each of these functions.

At least for these reasons, Applicants submit that claims 1, 9, and 17 are in condition for allowance. Furthermore, it is respectfully submitted that claims 4-6, 8, 12, 13, 16, and 18-21 are allowable at least by virtue of their dependency on allowable claims 1, 9, and 17. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 2 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gingell in view of U.S. Patent No. 6,693,902 to Sahlman et al. (hereinafter Sahlman).

Furthermore, claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gingell in view of Upp '170.

Applicants respectfully submit that neither Sahlman nor Upp '170 remedies the deficiencies of Gingell as set forth above in connection with independent claims 1 and 9. Accordingly, it is respectfully submitted that claims 2, 10, and 22 are allowable at least by virtue of their dependency on claims 1 and 9. Thus, reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

In view of the above remarks, Applicants respectfully submit that all of the pending claims are in condition for allowance. As such, Applicants respectfully request the Examiner to reconsider the various rejections and issue a Notice of Allowance in the present application.

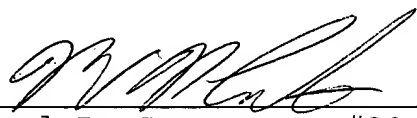
Should the Examiner believe that any outstanding matters remain in the pending application, the Examiner is requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to conduct an interview to expedite prosecution in the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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